

Serial No. 09/629,321
Amdt. dated October 12, 2004
Reply to Office Action of September 8, 2004

Attorney Docket No. PF01869NA

REMARKS/ARGUMENTS

Claims 4 through 6, 13 and 14 remain in this application. Claims 7 through 9, 11, 12 and 22 have been canceled without prejudice or disclaimer.

Claims 4, 13 and 14 are rejected under 35 U.S.C. §102(c) as being anticipated by U.S. Patent Application Publication No. US2003/0119568 to Menard ("Menard publication"). Claim 5 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2003/0060212 to Thomas ("Thomas publication"). Claim 6 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2001/0031633 to Tuomela, et al. ("Tuomela, et al. publication").

The Menard publication is a continuation-in-part of U.S. Patent Application No. 10/165,624, filed on June 7, 2002; which is a continuation-in-part of PCT Patent Application No. PCT/US01/18734, filed on June 8, 2001; which is a continuation of U.S. Application No. 09/589,962, filed on June 8, 2000, now U.S. Patent No. 6,517,517. U.S. Patent Application No. 10/165,624, is a continuation-in-part of U.S. Patent Application No. 09/956,474, filed on September 19, 2001 (which is a continuation of U.S. Application No. 09/384,165, filed on August 27, 1999, now U.S. Patent No. 6,356,165); is a continuation-in-part of U.S. Patent Application No. 10/112,669, filed on March 28, 2002; is a continuation-in-part of PCT Patent Application No. PCT/US01/18734, filed on June 8, 2001; and claims priority to U.S. Provisional Application Nos. 60/135,862, filed on May 25, 1999; 60/105,493, filed on October 23, 1998; and

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60/279,401, filed on March 28, 2001. U.S. Patent Application No. 10/112,669, further claims priority to U.S. Provisional Application No. 60/279,513, filed March 28, 2001.

Claims 4, 13 and 14 provide, *inter alia*, a communication device and method that controls a power consumption level in response to sensor added information. In rejecting these claims, the above Office Action cites the Menard publication which describes a glass breakage sensor having a transceiver that is normally powered down to conserve power and powers up upon detection of glass breakage (paragraph 95). None of the other references above describe the glass breakage sensor of the Menard publication and, thus, the glass breakage sensor of the Menard publication has an earliest filing date of November 1, 2002. Since Applicants application was filed July 31, 2000, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of claims 4, 13 and 14.

Regarding claims 5 and 6, Applicants hereby submit a Declaration to establish conception in the United States of the claimed subject matter in the referenced patent application and diligence to the filing of the referenced patent application prior to the effective date of the Thomas publication and the Tuomela, et al. publication. Accordingly, reconsideration and withdrawal of the rejections of claims 5 and 6 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope

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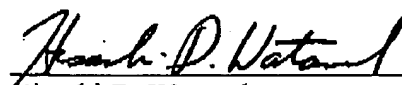
of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Hill, Thomas C., et al.

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 10/12/04
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Attachment: Declaration Under 37 C.F.R. §1.131